

520 Rec'd PCT/PTO 01 NOV 1999

PCT

FORM PTO-1390  
(REV. 1-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

APPLICANT'S DOCKET NUMBER

23541-01

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/423093

INTERNATIONAL APPLICATION NO.

PCT/AU98/00315

INTERNATIONAL FILING DATE

01/05/1998 (1 MAY 1998)

PRIORITY DATE CLAIMED

01/05/1997 (01 MAY 1997)

TITLE OF INVENTION

NUCLEIC ACID MOLECULES SPECIFIC FOR BACTERIAL ANTIGENS AND USES THEREOF

APPLICANT(S) FOR DO/EO/US

Peter Richard REEVES and Lei WANG

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

- PCT Publication No. WO 98/50531
- PCT Request
- PCT Chapter II Demand
- International Search Report and Citations
- International Preliminary Examination Report
- Written Opinion

EXPRESS MAIL Label No. EL007669381US - November 1, 1999

09/1423093

INTERNATIONAL APPLICATION NO.

PCT/AU98/00315

ATTORNEY'S DOCKET NUMBER

23541-01

17. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Neither international preliminary examination fee (37 CFR 1.482)

nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO

and International Search Report not prepared by the EPO or JPO ..... \$1070.00

International preliminary examination fee (37 CFR 1.482) not paid to

USPTO but International Search Report prepared by the EPO or JPO ..... \$930.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO

but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$790.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO

but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$720.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO

and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$98.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

## CALCULATIONS PTO USE ONLY

\$ 1070.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	52 - 20 =	32	x \$22.00	\$ 576
Independent claims	16 - 3 =	13	x \$82.00	\$ 1014
MULTIPLE DEPENDENT CLAIM(S) (if applicable) 1			+ \$270.00	\$ 260

TOTAL OF ABOVE CALCULATIONS =

\$ 2920

Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement  
must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

\$ -1460

SUBTOTAL =

\$ 1460

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$ 1460

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

TOTAL FEES ENCLOSED =

\$ 1460

Amount to be  
refunded:

\$

charged:

\$

a. ☒ A check in the amount of \$ 1460 to cover the above fees is enclosed.b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 03-3415. A duplicate copy of this sheet is enclosed.NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

William H. Dippert  
Cowan Liebowitz & Latman, P.C.  
1133 Avenue of the Americas  
New York, NY 10036-6799

SIGNATURE

William H. Dippert

NAME

26.723

REGISTRATION NUMBER

EXPRESS MAIL CERTIFICATE 37 C.F.R. 1.10

Date of Deposit November 1, 1999

Express Mail Label No. EL007669381US

I hereby certify that this paper is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231

Eugene Acevedo  
Name of Person Mailing

  
Signature

66TQF" E60E2460

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(d))—NONPROFIT ORGANIZATION**

Docket Number (Optional)  
23541-01

Applicant, Patentee, or Identifier: Peter Richard REEVES and Lei WANG

Application or Patent No.: to be assigned

Filed or Issued: to be assigned

Title: NUCLEIC ACID MOLECLES SPECIFIC FOR BACTERIAL ANTIGENS AND USES ...

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION The University of Sydney

ADDRESS OF NONPROFIT ORGANIZATION Parramatta Road, Sydney NSW, Australia 2006

**TYPE OF NONPROFIT ORGANIZATION:**

☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION

☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))

☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))  
IF LOCATED IN THE UNITED STATES OF AMERICA

☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED  
STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

I hereby state that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING X Claire Baxter CLAIRE BAXTER

TITLE IN ORGANIZATION OF PERSON SIGNING X DIRECTOR BUSINESS LIAISON OFFICE

ADDRESS OF PERSON SIGNING X UNIVERSITY OF SYDNEY, AUSTRALIA 2006

SIGNATURE X Claire Baxter DATE X OCT 19 1999

PATENT APPLICATION SERIAL NO. **09/423098**

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

11/04/1999 WCLAYBRO 00000079 09423093

01 FC:961	485.00	OP
02 FC:967	288.00	OP
03 FC:965	507.00	OP
04 FC:969	130.00	OP

Adjustment date: 01/24/2000 UNWALKER  
11/04/1999 WCLAYBRO 00000079 09423093  
02 FC:967 -288.00 OP

01/24/2000 UNWALKER 00000098 033415 09423093

01 FC:967	45.00	CH	288.00	OP
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Repln. Ref: 11/04/1999 WCLAYBRO 0017240600  
DA# 033415 PTO 1556  
FC: 704 (5/87) \$50.00 CR